

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
AUGUST 3, 2004
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Rob Carter and the Invocation was given by Dan Gilbert.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Tom Smith
Councilman Jimmy Alexander
Councilwoman Leslie Owens
Councilman Mike Gossman
Councilman Bob Wehba
Councilman Justin Frisbie
Councilman Barry Curl
Councilwoman Nancy Olson

ABSENT

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Bob Jernigan, City Attorney
Mike Turman, City Inspector
Scott Barrett, City Engineer
Wiley Rice, Jr., City Planner

2. The Mayor Presented Service Pins to Johnny Dickson for 25 years; and John Gray for 10 years.
3. Questions and Comments from Warr Acres Residents.

The Mayor announced that Diffie Motors was celebrating 50 years in business and that on August 24th at 12:00 p.m. there would be a special ribbon cutting to honor Diffie. Also there is to be a ribbon cutting at a new business in Warr Acres

on August 17th from 5:30 p.m. to 7:00 p.m. at Monroe Roofing. The Mayor stated that she had taken several calls concerning spring clean up and that there will be a fall clean up in October. The clean up days will be on Wednesday's with the first week in October being Ward I; second week, Ward II; third week, Ward III and the fourth week being Ward IV. She stated that she had received compliments on the Sanitation Department, Animal Control Officer and the City Inspector.

The Mayor thanked all the employees for the great jobs that they do.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.
 - A. Approval of Minutes – Regular City Council Meetings of July 6, 2004 and July 20, 2004 and Special Meeting of July 12, 2004. ****
 - B. Approval of Expenditures – General Fund \$ 36,425.30
Street & Alley \$ 2,330.58
 - C. Approval of Proposed Expenditures for August 2004. ****
 - D. Sales Tax History Report. ****
 - E. Receive Planning Commission minutes for July 13, 2004. (Not yet approved by the Planning Commission) ****
 - F. Receive Traffic Commission minutes for July 15, 2004. (Not yet approved by the Traffic Commission) ****
 - G. Approval of Traffic Commission recommendation to remove the “No Parking” signs on the north side of 46th Street from Sterling to Ann Arbor.
 - H. Approval of Traffic Commission recommendation to place a “Deaf Child at Play” sign in the 5500 block of Central.

Items A, C, D and G were pulled for discussion.

Motion by Curl, second by Frisbie to approve the remainder of the consent docket. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

5. Discussion and possible action on items removed from the consent docket.

Motion by Gossman, second by Curl to approve the minutes of July 6, 2004. Poll vote: Alexander, yea; Owens, abstain; Gossman, yea; Wehba, abstain; Frisbie, abstain; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

Motion by Frisbie, second by Curl to approve the minutes of July 20, 2004. Poll vote: Alexander, abstain; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

Motion by Curl, second by Gossman to approve the minutes of July 12, 2004.
Poll vote: Alexander, yea; Owens, abstain; Gossman, yea; Wehba, abstain;
Frisbie, abstain; Curl, yea; Smith, abstain; Olson, yea; and Tardibono, yea.

Motion Passed.

Councilman Curl asked why there was such a difference shown on the proposed retirement and the actual. He was told that the difference was the increase in the retirement, approved by the council, not figured in when the proposed was prepared. It was noted that the sales and use taxes were down. Chief Patty stated that he had just read on the internet how nationwide spending is down.

Motion by Curl, second by Smith to approve items C & D of the consent docket.
Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea;
Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The question was raised concerning item G of the consent docket as to who had requested the signs on 46th be removed. Councilman Wehba stated that the residents requested they be removed. Chief Patty stated that all the residents were notified and there were no protest.

Motion by Curl, second by Frisbie to approve the recommendation of the Traffic Commission. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

6. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Chief Patty-stated that the crosswalk that was on Ann Arbor needed to be replaced prior to school getting started. Scott Barrett stated that there were several items that he was working on concerning Ann Arbor. Johnny Dickson stated that he had complaints that the drainage grate at 4800 Ann Arbor was very noisy when driven over.

Chief Carter-stated that the fill the boot MDA drive would be on August 21st. He invited the council to visit the Fire Department to see the generator since it had been placed on the trailer and painted. Councilman Curl thanked Chief Carter for a wonderful detailed report.

Bob Jernigan-told the council that Bob Cunningham's Workers Comp case would be heard by the judge on August 17th at 9:00 a.m.

Earl Hayes, Sanitation Supervisor-gave the council a hand out that showed what it would cost to make repairs to one of the front end loaders and also what it would cost for a new or used front end loader. He told the council that both loaders were down most of the time. Councilman Alexander asked what the mileage was on the proposed used unit. Mr. Hayes stated that he did not know. Several other questions were asked of Mr. Hayes and he will bring the council the added information at the next council meeting.

Councilman Frisbie stated that everyone needed to keep an eye on their overtime budgets. He asked Brad Seale why his overtime was so high. Mr. Seale told him that the city would not let them get paid for overtime for several months so it had accumulated. He stated that they had also helped Bethany on occasion. He told the council that he had never been given a chance to give input concerning his budget and that not only did he not have enough for overtime but he did not have enough for chemicals either. Councilman Frisbie stated that everyone was asked during the budget meetings for their input. Councilman Gossman stated that they could possibly cut back on overtime if they worked staggered shifts. Mr. Seale stated that it would not work because it takes two people to run the jetter. Johnny Dickson stated that in the past the Street Department helped the Sewer Department so there was not so much overtime charged to the Sewer Department it was charged to the Street Department. Councilman Wehba asked about a manhole cover on Ann Arbor and Mr. Seale stated that he would be on it first thing Wednesday morning.

Scott Barrett-said that he sent a letter to ODOT about Ann Arbor but had not heard anything back. He stated that relocation of utilities were progressing on MacArthur and that ONG went past 63rd since the lines are long and they need lots of room to install them. Councilman Smith asked if the light poles would be moved on MacArthur and he was told OG&E would be moving them. Councilman Wehba asked about the pole problem on Ann Arbor and was told that letters had been sent. He also stated that there was a problem at 41st concerning sod. He requested a copy of the letter Mr. Barrett send to ODOT.

Wiley Rice-said that the Oklahoma Department of Commerce would be taking application for grants in November and December and that Warr Acres is eligible to apply. Mr. Rice and Councilwoman Owens will work together on proposals. The Mayor also asked Councilwoman Olson to also help out since she works with the Community Action Agency.

7. Discussion and possible action on approving a Revocable permit for the Putnam City Center in reference to the Ball Field. *Jernigan*

Bob Jernigan stated that the BOA had granted a variance in error. Mr. Nicek stated that they had relied on good faith that the BOA variance was good. Mr. Jernigan read through the revocable permit and incorporated the variance in the wording of the permit. He stated the permit would be good for one year and can be extended by request if no request is made then it will be automatically renewed unless otherwise determined.

Motion by Owens, second by Gossman to approve the Revocable permit. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

8. Final Public Hearing and possible action on amending a Special Use Permit issued to the Putnam City Center located at 5604 NW 41st Street. Agent for applicant: Alvin Nicek. **(Recommendation of the Planning Commission was to deny the amendment to the Special Use Permit regarding the Ball Field.)**

Councilman Curl asked Mr. Nicek if the school was alright with the situation and Mr. Nicek stated that it was.

Motion by Frisbie, second by Gossman to close the Public Hearing. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Motion by Owens, second by Olson to approve the Special Use Permit amendment. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

9. Final Public Hearing and possible action on repealing Title 19 Section 19.60.020(A). **(Recommendation of the Planning Commission was to send the issue to the Title 19 Committee for further discussion and bring it back to the Planning Commission for approval.)**

Bob Jernigan asked that the Public Hearing be continued so that the Planning Commission could take another look at it next week at their meeting.

Motion by Wehba, second by Frisbie to continue the Public Hearing to the August 17th meeting. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, nay; Olson, yea; and Tardibono, yea.

Motion Passed.

10. Discussion and possible action on discontinuation of the recycling dumpsters.
Hayes

Mr. Hayes stated that there have been problems concerning broken bottles and paper and plastic scattered all over. He stated that the city does not make any money off of the recycling and that if the city discontinued the recycling it rent the dumpsters out for \$150 each. Councilman Frisbie asked if anyone uses the dumpsters and how often they are dumped. Mr. Hayes stated that people do use them and they are dumped once or twice a month. The Mayor suggested that they be moved to a more open area. The council asked Chief Patty if the police department could patrol the area on weekends in an attempt to stop whoever is trashing the area.

No action needed on this item.

11. Discussion and possible action on approving the Mayor to execute a contract for an audio/video system and waive competitive bidding. *Jernigan*

Bob Jernigan stated that he met with the contractor and they discussed waiving the bid process if they were on state bid list. The contractor is not on state bid list, but is contracted with Oklahoma City and is giving same pricing. Councilman Frisbie stated that the bid specs still were not known. Councilman Wehba stated that the council had asked for more detailed information. Mr. Jernigan stated that the contractor was unable to attend the meeting. Councilman Curl stated that the city needed to pay for the one camera, but they needed the particulars on what they will be getting. Councilwoman Owens asked what the chances were that the contractor could come back on the city. Mr. Jernigan said that the contact was not approved and the contractor thought it was approved and ordered the equipment he might have to return the equipment. Councilman Gossman stated that the camera needed to be paid for. Councilwoman Owens stated that there were other council members involved in the process and now they are not speaking up. The Mayor stated that she believed she had the authority to approve the purchase and as soon as she realized she did not she retracted the decision. Councilman Wehba wanted to know what penalties there would be for not following the proper bid process. Mr. Jernigan stated that there could be a taxpayer law suit. Councilwoman Owens stated that the process that was done went above and beyond the competitive bid process. She stated that there were two different vendors present along with a representative from Cox.

Motion by Smith, second by Curl to approve the payment of the camera and labor for installation. Poll vote: Alexander, yea; Owens, nay; Gossman, yea; Wehba, nay; Frisbie, nay; Curl, yea; Smith yea; Olson, yea; and Tardibono, yea.

Motion Passed.

12. Discussion and possible action on Resolution #401 casting a vote for Trustee to OMRF.

Motion by Curl, second by Owens to approve Resolution #401. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

13. Questions and comments from Council members.

Councilman Smith-stated that he was glad to see that the corner of 50th and Grove finally got mowed. Mike Turman stated that it was already needing mowed again.

Councilman Gossman-stated that he has received many compliments of Chief Patty.

14. Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

None.

15. Discussion and possible action entering into Executive Session to discuss possible litigation on enforcement of the zoning of American Camero for confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

Motion by Wehba, second by Frisbie to enter into executive session as recommended by City Attorney Jernigan and ask Mike Turman City Inspector to stay. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

After a 10 minute recess the council entered into executive session at 8:47 p.m.

The council returned to open session at 9:22 p.m. **WITH NO ACTION TAKEN.**

16. Adjournment.

Motion by Curl, second by Frisbie to adjourn. The meeting was adjourned by acclamation at 9:22 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
AUGUST 3, 2004
7:00 p.m.**

1. The meeting was called to order at 9:23 p.m.

ROLL CALL

PRESENT

ABSENT

Chairwoman Marietta Tardibono
Vice-Chair Tom Smith
Trustee Jimmy Alexander
Trustee Leslie Owens
Trustee Mike Gossman
Trustee Bob Wehba
Trustee Justin Frisbie
Trustee Barry Curl
Trustee Nancy Olson

2. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of July 6, 2004.

Motion by Gossman, second by Curl to approve the minutes. Poll vote:
Alexander, yea; Owens, abstain; Gossman, yea; Wehba, abstain; Frisbie, abstain;
Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

3. Approve payment of claim in the amount of \$57,734.30 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of July, 2004.

Councilman Frisbie asked if for future reports it would show the billed out amount as well as the collected amount. Councilwoman Owens asked if the council needed to take a look at the rates.

Motion by Frisbie, second by Olson to approve the payment of the claim. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Adjournment.

Motion by Gossman, second by Frisbie to adjourn. The meeting was adjourned at 9:25 by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk